

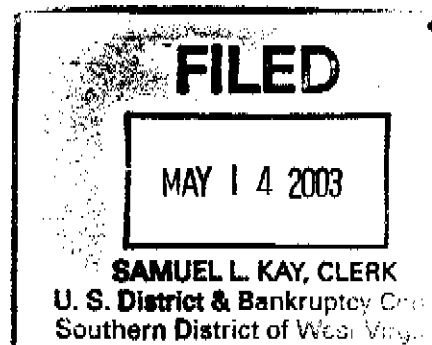
IN THE UNITED STATES DISTRICT COURT,  
FOR THE DISTRICT OF WEST VIRGINIA.

HAROLD L. WRIGHT  
PETITIONER,

v.  
TROY WILLIAMSON, WARDEN  
DEFENDANT.

Civil Action No: \_\_\_\_\_

5:03-01



Petition Pursuant to 28 U.S.C.  
SECTION 1331

COMES NOW PETITIONER, HAROLD WRIGHT, PRO SE  
PURSUANT TO 28 U.S.C. SECTION 1331, GROUNDS FOR  
THIS ACTION ARE AS FOLLOWS.

PETITIONER FILED A ADMINISTRATIVE TORT CLAIM, NO: TAT-  
2003-01439 HERE WITHIN THE INSTITUTION AT F.C.I. BECKH  
REGARDING THE LOSS OF PROPERTY BY THIS INSTITUTION ON OR  
ABOUT FEBRUARY 3RD, 2003, PETITIONER'S CLAIM WAS DENIED  
ON OR ABOUT FEBRUARY 25TH, 2003 BY THE INSTITUTION.

PETITIONER WAS INSTRUCTED ALONG WITH THE INSTITUTION  
DENIAL, THAT IF DISSATISFIED, TAKE THEM TO COURT.

PETITIONER WOULD RESPECTFULLY ASK THIS HONORABLE  
COURT TO ACCEPT THIS ACTION IN ACCORD WITH HAINES V. K  
404 U.S. 519, 520-21, 92 S. CT. 594, 30 L. ED. 2D 652  
(1972), AS PETITIONER IS NOT A LAWYER AND COMES BEFORE  
THIS COURT PRO SE.

A.

THE PETITIONER IS PRESENTLY CONFINED AT, F.C.I-BECKLEY, P.O. BOX 350, BEAVER, WEST VIRGINIA, 25813.

PETITIONER HAS NOT BEGUN ANY OTHER LAWSUITS WITH REGARD TO THIS SITUATION NOW BEFORE THE COURT.

PETITIONER HAS FULLY EXHAUSTED ALL POSSIBLE REMEDIES PURSUANT TO THE BUREAU OF PRISONS POLICY STATEMENT 1330.07.

PETITIONER FILED A ADMINISTRATIVE TORT CLAIM WITH THE INSTITUTIONS SUPERVISORY ATTORNEY, DEBBIE STEVENS, OF THE CONSOLIDATED LEGAL CENTER, BECKLEY, IN ACCORD WITH THE PROVISIONS OF THE FEDERAL TORT CLAIMS ACT, 28 U.S.C. 26.

PETITIONER ASK FOR LOST PROPERTY TOTALING \$225.00 BY THE BUREAU OF PRISONS STAFF HERE AT F.C.I-BECKLEY AND F.C.I-BAYBROOK, NEW YORK.

PETITIONERS CLAIM WAS DENIED WITH RESPECT TO BOTH INSTITUTIONS, PETITIONER WAS TOLD TO TAKE THEM TO COURT.

PETITIONER FULL NAME IS, HAROLD L. WRIGHT, F.C.I-BECKLEY, P.O. BOX 350, BEAVER, WEST VIRGINIA, 25813.

THE DEFENDANT FULL NAME IS, TROY WILLIAMSON, WARDEN, F.C.I-BECKLEY, P.O. BOX 350, BEAVER, WEST VIRGINIA, 25813.

PETITIONERS ADMINISTRATIVE TORT CLAIM SEEKING THE LOSS OF PETITIONERS PROPERTY BY BUREAU OF PRISON STAFF BEING DENIED ARE THE GROUNDS UPON WHICH PETITIONER SEEKS TO PROSECUTE THIS LAW SUIT.

PETITIONER WAS A INMATE AT F.C.I-FAIRTON, ONE OF THE MANY PRISONS INSIDE THE BUREAU OF PRISONS. WHILE THERE PETITIONER WAS EXPERIENCING VERY BAD PAIN REGARDING PETITIONERS FEET, PETITIONER WAS SEEN BY THE INSTITUTIONS CLINICAL DIRECTOR, (DR. MORALES) WHO CONCLUDED THAT

III.

PETITIONERS PAIN WAS DUE TO A FRACTURE THAT HAD HEAL INCORRECT OUTSIDE OF REBREAKING THE BONE, WHICH WOULD BE COSTLY AND NOT GO AT PETITIONERS AGE, TRYING DIFFERENT KINDS OF SHOES FOR COMFORT WAS THE ONLY OTHER RECOURSE. PETITIONER WAS THEN INSTRUCTED BY THE BUREAU OF PRISONS MEDICAL DEPARTMENT AT THAT INSTITUTION TO LOOK THROUGH A SHOE BOOK, AFTER PETITIONER DECIDED ON A COMFORT PAIR SHOES, THE MEDICAL DEPARTMENTS CLINICAL DIRECTOR APPROVED AND AUTHORIZED PETITIONER TO BUY THE SHOES FOR MEDICAL PURPOSES.

UPON THE SHOES ARRIVING AT THE INSTITUTION, THE MEDICAL DEPT. RECEIVED THE SHOES, INSPECTED THE SHOES AND THEN GAVE THEM TO PETITIONER, ALONG WITH A MEDICAL PAST TO HAVE THEM. PETITIONER SOON AFTER TRANSFERRED TO F.C.I-RAYBROOK, ANOTHER INSTITUTION INSIDE THE BUREAU OF PRISONS, UPON ARRIVING PETITIONER WAS DENIED HIS MEDICAL SHOES, PETITIONER WAS FORCED TO GET RID OF THE MEDICALLY APPROVED SHOES, THE INSTITUTION, F.C.I-RAYBROOK DISREGARDING NOT ONLY THE MEDICAL NEED FOR THEM, BUT THE COST TO PETITIONER OF BUYING THEM.

AFTER PETITIONER WAS FORCED TO GO BACK TO WEARING INSTITUTIONAL SHOES, SHOES THAT PETITIONER WAS INSTRUCTED TO NOT WEAR, PETITIONER STARTED EXPERIENCING PAIN ONCE AGAIN WITH HIS FEET. PETITIONER THEN SAW THE CLINICAL DIRECTOR OF THAT INSTITUTION, (DR. MAJINI) WHO CONCLUDED THE SAME THING AS THE CLINICAL DIRECTOR IN F.C.I-FAIRTONS INSTITUTION, THAT PETITIONER COULD NOT WEAR THE INSTITUTIONAL SHOES. AGAIN, PETITIONER WAS GIVEN A SHOE BOOK TO PICK OUT COMFORTABLE SHOES, AGAIN THE SHOES WAS APPROVED, AUTHORIZED, INSPECTED AND GIVEN TO PETITIONER BY THE MEDICAL DEPARTMENT, AT THE PETITIONERS EXPENSE ONCE AGAIN. (PETITIONER WOULD LIKE TO COURT TO NOTE THAT THIS IS THE SAME INSTITUTION, F.C.I-RAYBROOK, THAT DENIED

11.  
 PETITIONER HAD MEDICALLY APPROVE SHOES UPON PETITIONERS ARRIVAL, FORCED PETITIONER TO GET RID OF THE SHOES DISPIE THEY BEING MEDICALLY NEEDED AND PAID FOR BY PETITIONER, NOW APPROVING AND AUTHORIZING PETITIONER TO PAY ONCE AGAIN PER THE INSTRUCTIONS OF THE MEDICAL DEPARTMENT FOR MORE SHOES A TREATMENT FOR PETITIONERS PAIN.)

UPON THE ARRIVAL OF THE SECOND PAIR MEDICAL APPROVED SHOES PAID FOR BY PETITIONER, PETITIONER TRANSFERRED TO ANOTHER INSTITUTION HERE WITHIN THE BUREAU OF PRISONS, PETITIONERS PRESENT PLACE OF CONFINEMENT, F.C.I. BECKLEY. AS WAS DONE BEFORE, PETITIONER WAS DENIEGED THE MEDICALLY APPROVED SHOES BY THIS INSTITUTION, F.C.I. BECKLEY, ONCE AGAIN, DISPIE THEIR MEDICAL NEED AND COST TO PETITIONER.

PETITIONER THEN FILED A ADMINISTRATIVE TORT CLAIM, SEEKING THE LOST OF BOTH PAIR SHOES BY THE BUREAU OF PRISONS INSTITUTIONS HERE AT F.C.I. BECKLEY AND F.C.I. RAYBROOK. PETITIONER CONTENTS THAT THE BUREAU OF PRISONS MEDICAL DEPARTMENTS AT THE (2) TWO INSTITUTIONS INSTRUCTED PETITIONER TO BUY THE SHOES, ANOTHER DEPARTMENT OF SAID INSTITUTIONS WILL NOT ALLOW PETITIONER TO HAVE THE SHOES, THE MEDICAL DEPARTMENTS AT BOTH INSTITUTIONS HAVE A RESPONSIBILITY TO KNOW BEFORE INSTRUCTING PETITIONER TO PAY FOR THE SHOES IF PETITIONER WOULD BE ABLE TO HAVE THEM. PETITIONER ASK IN THE TORT CLAIM FOR THE LOST OF PETITIONERS MONEY, \$225.00 FOR SHOES PETITIONER WAS INSTRUCTED TO BUY BY THE BUREAU OF PRISONS TWO MEDICAL DEPARTMENTS IN BOTH INSTITUTIONS, THE TORT CLAIM WAS DENIED, FORCING PETITIONER TO COME BEFORE THE COURT.

PETITIONER NOW SEEKS TO HAVE THIS HONORABLE COURT DECIDE IF PETITIONERS LOST OF \$225.00 IS THE BUREAU OF PRISONS MEDICAL DEPARTMENT RESPONSIBILITY AND TO OBTAIN PETITIONERS LOST.

✓  
PETITIONER RESPECTFULLY REQUEST THAT THIS HONORABLE COURT  
GRANT THE RELIEF SOUGHT BY PETITIONER, THE RETURN OF PETITIONER  
\$225.00 DOLLARS, AND ANY OTHER RELIEF THAT THIS COURT DEEMS  
JUST AND PROPER.

MARCH 9<sup>th</sup> 2003  
Harold Wight  
RE: NO. 32803-037  
F.C.I. BECKLEY  
P.O. Box 356  
BEAVER, West Virginia  
2581

PETITIONER DECLARE UNDER PENALTY OF PERJURY  
THAT THE FOREGOING IS TRUE AND CORRECT.

Harold Wight  
~~MARCH 9<sup>th</sup> 2003~~  
MAY 13, 2003

## Exhibits information

ENCLOSED ARE TWO (2) EXHIBITS BY PETITIONER THAT HE WOULD LIKE TO SHOW THE COURT AT THIS TIME, PETITIONER ASK THAT THE COURT ENTER THESE INTO THE RECORD.

FIRST, IS THE MEDICAL DEPARTMENTS PAST FROM F.C.I. RAYBROOK, ATTEMPTING TO FORCE ANOTHER DEPARTMENT IN THE INSTITUTION TO ALLOW ME TO HAVE THE MEDICALLY APPROVED SHOES I ARRIVED WITH FROM F.C.I. FAIRTON, WHICH THE INSTITUTIONS OTHER DEPARTMENT DID NOT, FORCING PETITIONER TO GET RID OF THE SAID SHOES.

SEE EXHIBIT- I-A

SHOWING THAT PETITIONER ARRIVED FROM F.C.I. FAIRTON WITH PURCHASED SHOES APPROVED BY THAT INSTITUTIONS MEDICAL DEPARTMENT. SECONDLY, IS THE AUTHORIZATION THE MEDICAL DEPARTMENT AT F.C.I. RAYBROOK APPROVED FOR THE SECOND PAIR SHOES PETITIONER PAID FOR THERE, WHICH PETITIONERS PRESENT INSTITUTION, F.C.I. BEO HAS FORCED PETITIONER TO GET RID OF. SEE EXHIBIT- I-B

ALSO, ENCLOSED IS A COPY OF THE DENIED TORT CLAIM BY THE INSTITUTION, IN WHICH THEY CLAIM STAFF IS NOT RESPONSIBLE FOR MY LOSS. THEIR REASONING BEING THE SHOES WAS NOT MEDICAL SHOES BY THEIR STANDARDS, DISPUTE THE FACT THAT TWO (2) MEDICAL DEPARTMENTS, IN TWO (2) INSTITUTIONS WITH THIS BUREAU OF PRISONS AUTHORIZED, APPROVED AND ACCEPTED THEM AS SUCH.

**FEDERAL CORRECTIONAL INSTITUTION, HOSPITAL  
RAY BROOK, NEW YORK**

**IDLE, CONVALESCENT AND CHANGE IN WORK CLASSIFICATION STATUS**

TO: ALL CONCERNED

INMATE'S NAME: Wright, HaroldUNIT: NIAGRA 8DETAIL: NoneDATE: 12/11/01REG. NO.: 32803-0

*For Medical purposes, the inmate named above has been authorized the work and/or activity status listed below the reason(s) and the time shown.*

**MEDICAL CLASSIFICATION STATUS: (Check one and answer questions)**

- ( ) **IDLE:** Reason, \_\_\_\_\_ THRU 12 MIDNIGHT \_\_\_\_\_
- ( ) **CONVALESCENCE:** List any restricted activity for medical reasons. \_\_\_\_\_ THRU 12 MIDNIGHT \_\_\_\_\_
- ( ) **RESTRICTED DUTY:** Specify exact restriction and reason. \_\_\_\_\_ THRU 12 MIDNIGHT \_\_\_\_\_
- ( ) **TOTALLY DISABLED:** Allow inmate to wear soft shoes THRU 12 MIDNIGHT \_\_\_\_\_
- ( ) **FULL DUTY:** purchased at FCI Fenton (permanent) Dynarski, MD  
Physician or Physician Assistant

**DEFINITIONS AND INSTRUCTIONS**

**IDLE STATUS** - Temporary disability not to exceed three days duration including weekends and holidays. Restricted to room except for medical, barbering, religious services, sick call, visits and call outs. No recreation activity.

**CONVALESCENT STATUS** - Recovery period for operation, injury, or serious illness. Not less than four days and not to exceed thirty days, subject to renewal. Excused from work and may not participate in any recreational activities outside the unit.

**RESTRICTED DUTY** - Restricted from specific activities because of physical or mental handicap. List handicap, work limitation and time period, either specific date or indefinite.

**TOTALLY DISABLED** - Totally unemployable and unassigned because of mental or physical reasons. Condition generally expected to last indefinitely.

**FULL DUTY** - No work restrictions because of physical, medical or mental disability.

*Institution would not Allow,  
which FORCED me to lose the cost  
of shoes...*



Exhibit-I-B

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of PrisonsAUTHORIZATION TO RECEIVE PACKAGE  
OR PROPERTY

*Katrina Smith*

Name and Address of Person Sending Package		1068 Lightprop St. D-6	EXPIRATION DATE
<del>MILORIO JONES</del> (Circled)		Brooklyn NY 11212	9-25-02
(Name)		This Authorization Is Not Valid After The Date Shown.	
1725 J. Broadway		Enter Inmate Name, Register No., and Institution Address Here:	
(Address)		Wright, Harold	
BALTIMORE, MARYLAND		32803-037	
(City)		701 Ray Brook, Ray Brook NY	
(State)		129	
21213		(Zip Code)	

THE NAMED INMATE IS AUTHORIZED TO RECEIVE (specify below):

You are authorized to send the following personal property. PLEASE NOTE: Including unauthorized materials in the package will result in the entire package being returned undelivered.

QUANTITY	ITEM AND DESCRIPTION (INCLUDED STATED VALUE)	DISPOSITION
1	PAIR OF SHOES soft shoe - BROWN SIZE 10-D	K

SPECIAL INSTRUCTIONS: The inmate will mail the pink and goldenrod copy to addressee. The addressee may retain the pink copy but must include the GOLDENROD IN THE PACKAGE. The material must also be received prior to the Expiration Date shown above.

DISPOSITION: S - Storage; D = Donated; K - Keep in Possession; M - Mail; C - Contraband

ENTER SIGNATURE, TITLE AND DATE OF APPROVING OFFICIAL - APPROVING OFFICIAL ALSO ENTERS EXPIRATION DATE, above.

*Evelyn J. Hall, JCH* 9-25-02  
(Signature and Title) (Date Approved)

## INSPECTION AND RECEIPT

Completed by Inspecting Staff

Status/Condition of Property Received:

Inspected and cleared for issue:

*T. Root, Clerk* 10/10/02  
(Staff Signature) (Date)

*Harold Wright* 10/11/02  
(Inmate Signature Upon Receipt) (Date)

The white, green and canary copy remain together until fully completed.  
The pink and goldenrod are forwarded to the addressee by the inmate.

Final Filing: White - Central File  
Green - R&D Property File  
Canary - Inmate  
Pink - Addressee to keep  
Goldenrod - Addressee place in package





U.S. Department of Justice

Federal Bureau of Prisons

*Federal Correctional Institution*

1600 Industrial Park Road  
Beaver, West Virginia 25813

February 25, 2003

Harold Wright  
Reg. No. 32803-037  
FCI Beckley  
PO Box 350  
Beaver, West Virginia 25813

Re: Administrative Tort Claim Number TRT-MXR-2003-01439

Dear Mr. Wright:

Your claim has been considered for administrative settlement under the Federal Tort Claims Act, 28 U.S.C. § 2671, *et. seq.*, and authority granted under 28 C.F.R. § 0.172. You claim government liability in the amount of \$225.00 for loss of personal property. Specifically, you claim that on December 11, 2001, you were told by medical staff to purchase special shoes which FCI Beckley R&D staff will not allow you to have.

Investigation reveals you arrived at FCI Beckley on November 21, 2002. At that time, intake screening was conducted and you were informed that unless the Clinical Director deemed it appropriate, soft shoe permits from other institutions would not be honored at FCI Beckley. You were evaluated by medical personnel on December 12, 2002, and no abnormalities to your feet were noted. You were advised on January 24, 2003 by the Clinical Director that you did not meet the criteria for a soft shoe pass. The boots were also inspected and it was noted the boots did not contain any special orthotics or appliances. Your boots are being held in R&D, awaiting an address to mail them out of the institution.

There is no evidence that any act or omission of a government employee was a factor in your loss. Accordingly, your claim is denied. This is a final denial of your claim. If you are not satisfied with this determination, you have six months from the date of the mailing of this notification to bring suit in an appropriate United States District Court, should you wish to do so.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Burlington", is written above the typed name.

Bill Burlington  
Regional Counsel